IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 13726 of 1999

Between:

G. Somasunder Goud, S/o. Ramaiah, J.A.O. APSEB

(Now A.P. Transco), R/o. Wanaparthi, Mahaboobnagar Dist.

..... PETITIONER

AND

1. A.P. Transco, rep. By its Chairman & Managing Director, Vidyut Soudha, Hyderabad.
2. Joint Secretary, A.P. Transco, Vidyut Soudha, Hyderabad.
3. Superintending Engineer, Operatinus, A.P. Transco, Mahaboobnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more fully in the nature of Writ of Mandamus declaring the action of the 2nd respondent in imposing penalty of stoppage of one increment with cumulative effect vide proceedings in Memo.No.CE/DC/DM-V/1410-P1/96-10, dt.20-3-98 & confirmed by 1st Respondent in Memo.No.CE/DC/DM-V/1410/P1/96-1, dt.18-12-98 as illegal, improper and arbitrary and directing the respondents to give all consequential benefits.

Counsel for the Petitioner: MR.K.CHAITANYA

Counsel for the Respondent No.: MR.S.RAVINDRANATH

The Court made the following :

ORDER:

It is an admitted fact that the petitioner was imposed with a punishment of stoppage of one increment with cumulative effect, as a disciplinary action. The main grievance of the petitioner is that the respondents have not conducted any detailed enquiry as required under the law.

Learned counsel for the petitioner contended that stoppage of one increment with cumulative effect is a major punishment and the respondents are duty bound to conduct a detailed enquiry as per Regulation-5 and 10 of the Andhra Pradesh State Electricity Board Employees Discipline and Appeal Regulations (for short 'the Regulations').

Regulation-5 of the Regulations contemplates as to penalties that can be imposed on the delinquent employee. The stoppage of increment with cumulative effect falls under Regulation-5 of the Regulations, and any punishment should be preceded by a detailed enquiry that may be conducted by the authorities as required under Regulation-10 of the Regulations.

Admittedly, no such procedure was followed by the authorities. Therefore, the impugned order does not stand scrutiny of law.

Accordingly, the impugned order is set aside and the Writ Petition is allowed. No costs.

_____

C.V. Ramulu, J.

14th June, 2005

Note: CC in one week

B/o

Js.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Fourteenth day of June, Two Thousand and Five.

ASSISTANT REGISTRAR

To

1. The Chairman & Managing Director, A.P. Transco, Vidyut Soudha, Hyderabad.
2. Joint Secretary, A.P. Transco, Vidyut Soudha, Hyderabad.
3. Superintending Engineer, Operations, A.P. Transco, Mahaboobnagar.
4. 2 CD copies.